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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**BIG SANDY BAND OF WESTERN MONO
INDIANS, a federally recognized Indian
tribe,**

Plaintiff,

v.

**GAVIN NEWSOM, Governor of the State
of California; and the STATE OF
CALIFORNIA,**

Defendants.

1:22-cv-00844-NODJ-SKO

**JOINT STIPULATION TO STAY
PROCEEDINGS PENDING APPROVAL
OF TRIBAL-STATE CLASS III
GAMING COMPACT; ORDER**

(Doc. 35)

Judge: NODJ
Action Filed: July 8, 2022

Pursuant to the United States District Court, Eastern District of California Local Rules, Rule 143, Plaintiff Big Sandy Band of Western Mono Indians, a federally recognized Indian Tribe (Tribe), and Defendant Gavin Newsom, in his official capacity as Governor of the State of California, and Defendant State of California (collectively, State Defendants), stipulate as follows:

Whereas, pursuant to stipulation, the Tribe and State Defendants (collectively, the Parties) were ordered to proceed to the remedial process set forth in the Indian Gaming Regulatory Act, 25 U.S.C. § 2710(d)(7)(B)(iii)-(vii). ECF No. 33.

Whereas, pursuant to this remedial process, the parties engaged in negotiations for a new tribal-state class III gaming compact.

Whereas, these negotiations resulted in agreement on the terms of a new tribal-state class III gaming compact between the Parties.

Whereas, as of January 16, 2024, the Tribe and the Governor have executed the Tribal-State Gaming Compact Between the State of California and the Big Sandy Rancheria of Western Mono Indians of California (Compact).

Whereas, under State law, the Compact must now be ratified by the California Legislature. Cal. Const. art. IV, § 19(f); *see* Cal. Gov't Code § 12012.25(c)-(e).

Whereas, following ratification by the California Legislature, the Compact can only take effect pursuant to the Indian Gaming Regulatory Act, 18 U.S.C. §§ 1166-1167, 25 U.S.C. §§ 2701-2721, when notice of approval (or notice that the compact has been allowed to go into effect because it has not been disapproved within forty-five days of its submission) has been published in the Federal Register by the Secretary of the Department of the Interior (Secretary). 25 U.S.C. § 2710(d)(3)(B) & (8)(D).

Whereas, the Parties believe a stay of this action until the Compact has completed the ratification and approval process will conserve the resources of the Court and the Parties.

Whereas, the Parties request that this action be stayed until the Compact ratification and approval process is completed.

Whereas, the Parties intend to provide a joint stipulation of dismissal within fourteen (14) days following the completion of the Compact ratification and approval process when the Secretary has published notice of approval (or notice that the Compact has been allowed to go into effect because it has not been disapproved within forty-five days of its submission) in the Federal Register.

IT IS HEREBY STIPULATED and respectfully requested by the Parties that the Court continue the stay in this matter until the Compact ratification and approval process is completed.

IT IS FURTHER STIPULATED and respectfully requested by the Parties that the Court order the Parties to submit a joint stipulation of dismissal within fourteen (14) days following completion of the ratification and approval process of the Compact.

RESPECTFULLY SUBMITTED this 5th day of February, 2024.

Dated: February 5, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
T. MICHELLE LAIRD
Acting Senior Assistant Attorney General
NOEL A. FISCHER
Deputy Attorney General

/s/ B. Jane Crue

B. JANE CRUE
Deputy Attorney General
Attorneys for Defendants

Dated: February 5, 2024

PEEBLES KIDDER BERGIN AND ROBINSON
LLP

/s/ Patrick R. Bergin (As authorized on 02/05/2024)

PATRICK R. BERGIN
Attorneys for Plaintiff

ORDER

Pursuant to the Joint Stipulation to Stay Proceedings Pending Approval of Tribal-State Class III Gaming Compact, filed on February 5, 2024 (Doc. 35), this Court hereby orders the following:

1. All proceedings in this matter will be stayed until the January 16, 2024 Tribal-State Gaming Compact Between the State of California and the Big Sandy Rancheria of Western Mono Indians of California (Compact) has completed the state and federal ratification and approval process;
2. Within 90 days of the date of this order, and every 90 days thereafter, the parties shall file a joint status report advising the Court of the status of the ratification and approval process; and
3. The Parties shall submit to the Court a joint stipulation of dismissal within fourteen (14) days following completion of the ratification and approval process of the Compact.

IT IS SO ORDERED.

Dated: **February 6, 2024**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE